06-125
IN THE
Supreme Court of the United States

Supreme Court, U.S.
FILED
SEP - 1 2006
OFFICE OF THE CLERK

Sgt. Emmett L. Williams
Petitioner, Plaintiff
-Vs.-

State of Georgia, "et al." **05-15648-JJ (06-125)**, and three other Incorporated Conspiracy Cases: Cases Numbers: 05-15760-C (05-1644), 05-17046-BB, and 05-11275-AA (05-833)
Respondents, Defendants

---

28 U.S.C. &2403(a), Rule 15.8 Supplemental Brief: The Petitioner Motions the Court for Justice and Equality of Receiving **"Equal Justice Under the Law"** because there are three pieces of evidences that are so damaging toward the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) that the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all abandoned all of the Laws of the E.E.O.C. and the United States Constitution **where absolutely no DOD Georgia State Employee can be Terminated or EVALUATED without an Established Performance Management Plan (P.M.P.)** where a newly incoming supervisor must establish a P.M.P. with the Employee at the beginning of the supervisor's administration then immediately filed into the Employee's Personnel File **that was never established before or after August 08, 2002**, and since 1995, the Petitioner performed his duties under an unchanged and unaltered Regulation that was issued by the National Guard Bureau Military Support Office as **DCS-OPS-MS (190) that gave the Petitioner the AUTHORITY and DISCRETION to schedule leave for himself and his employees** that made the bogus charge of Unauthorized Leave totally ridiculous and without any Merits to Terminate the Petitioner's Employment from the State of Georgia.

Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit and the United States District Court for Northern District of Georgia
PETITION FOR WRIT OF CERTIORARI

Sgt. Emmett L. Williams
Pro-Se Litigant
1266 Bedford Avenue
Columbus, Georgia 31903

IN THE NAME OF JUSTICE BECAUSE JUSTICE SO REQUIRES

Question Presented.

Whether it is Unconstitutional and Discriminatory for the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia to Condone, Support, or Cooperate Within the Jim Crow Mechanics of a Constitutional Raping after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia **CANNOT** unconstitutionally or discriminatorily use "the doctrine of res judicata" from the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie as Reasons, Grounds, or Merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjured **after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) (28 U.S.C. &2403(a)).**

Addressed To: The Honorable **JOHN GROVER ROBERTS**
Addressed To: The Honorable **CLARANCE THOMAS**
Addressed To: The Honorable **RUTH BADER GINSBURG**
Addressed To: The Honorable **SAMUEL A. ALITO**
Addressed To: The Honorable **SAM BODMAN**
Addressed To: The Honorable **STEPHEN J. BREYER**
Addressed To: The Honorable **ANTHONY M. KENNEDY**
Addressed To: The Honorable **JOHN PAUL STEVENS**
Addressed To: The Honorable **DAVID HACKETT SOUTER**

Addressed To All United States Supreme Court Justices
Office of the Clerk, William K. Suter, Clerk of the Court
1 First Street, N.W.
Washington, D.C. 20548

TABLE OF CONTENTS

Question Presented..... i

Table of Contents..... ii

Certificate of Interested Persons
And Corporate Disclosure
Statement..... iii, iv, and v

Reason for Granting this Writ is because the Petitioner Motions the Court for Justice and Equality of Receiving "Equal Justice Under the Law" because the Magistrate Judge, the District Judge, and Appeal Judges herein the State of Georgia cannot unconstitutionally or discriminatorily use "the doctrine of res judicata" from the Respondents' Perjured Non-Existence September 10, 2001 lie and the Respondents' Perjured Non-Existence 180 days lie as Reasons, Grounds, or Merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts Perjury after the Petitioner's August 08, 2002 Lawsuit Filing..... vi, vii, viii, ix, x, xi, xii, xiii

Table of Authorities..... xiii, xiv, xv, xvi and xvii

Table of Appendices..... xvii, xviii, and xix

Title page..... 1

Statement of Jurisdiction..... 2

Statement of the Case..... 3, 4, 5, 6 7, 8, 9, and 10

Conclusion..... 10

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Sgt. Emmett L. Williams –vs.- State of Georgia "et al." Case No, 05-15648-JJ is Incorporated with as apart of and Directly Related to Civil Action Cases: 1:05-CV-1303, 1:04-CV-2415, 1:05-CV-1781, and 1:05-CV-2274, and Appeal Cases: 05-15760-CC, and 05-17046-BB, and Supreme Court Case: 05-833 (05-11275-AA)

The undersigned Petitioner, Sgt. Emmett L. Williams, hereby certifies that the following is a complete list of person and entities that who have an interest in the outcome of this case:

(a) Sgt. Emmett L. Williams, Petitioner
(b) The State of Georgia DOD National Guard Headquarters under
(c) Maj. Gen. David Poythress, Commander, as a related Defendant
(d) Thomas H. Blackstock, Facilities Manager, as a related Defendant
(e) James Bruno, Chief of Staff and Appointing Authority, as a related Defendant
(f) Kenneth R. Weldrep, J.A.G. and Prosecuting Attorney, as a related Defendant
(g) Lois Oakley, State Administrative Hearing Chief Law Judge, as a related Defendant
(h) W. Joseph Baird, state Administrative Hearings Judge, as a related Defendant

(i) Ed. Chamberlain, DOD Personnel Administrator, as a related Defendant
(j) Sandra Bruce, DOD Personnel Administrator, as a related Defendant
(k) Raymond Faunt, Security Manager and the Plaintiff's Immediate Supervisor, as a related Defendant
(l) Charles D. Best, illegal and unlawfully Conducted a Dual Agency Relationship as a Georgia Licensed Attorney, as a related Defendant
(m) G. Melton Mobley, the Defendants' Attorney
(n) Bryan K. Webb, the Defendants' Attorney
(o) Dennis R. Dunn, the Defendants' Attorney
(p) Thurbert E. Baker, the Defendants' Attorney
(q) Robert L. Vining, Jr. United States District Judge that has unconstitutionally favored the Defendants in violation of all of the State of Georgia DOD Policies, Procedures, Guidelines, and Regulations as well as the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Title I, Title V, and Title VII.

(r) Gerrilyn G. Brill, United States Magistrate Judge that has unconstitutionally favored the Defendants in violation of all of the State of Georgia DOD Policies, Procedures, Guidelines, and Regulations as well as the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitutional under Title I, Title V, and Title VII.

/s/ Emmett L. Williams
Sgt. EMMETT L. WILLIAMS, Petitioner
Pro-Se Litigant

The Reason for Granting This Writ is Because the Petitioner Motions the Court for Justice and Equality of Receiving "Equal Justice Under the Law" because the Magistrate Judge, the District Judge, the Appeal Judges herein the State of Georgia cannot unconstitutionally or discriminatorily use "The doctrine of res judicata" from the Respondents' Perjured Non-Existence September 10, 2001 lie and the Respondents' Perjured Non-Existence 180 days lie as Reasons, Grounds, and Merits to Dismiss, Cover Up or Justify the Respondents' Criminal Conduct and Activities of (7) Seven Counts of Obstructing Federal Justice and (2) Counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) (28 U.S.C. &2403(a)).

I. After August 08, 2002 while the Petitioner's Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Powers of the Federal Courts that on or thereafter September 27, 2002, the Respondents and the Attorney Charles D. Best illegally, unlawfully, and unconstitutionally allowed themselves to form and engage in a Undisclosed Dual Agency Relationship to derail the Petitioner's August 08, 2002 Lawsuit Filing as Count Number (1) One (28 U.S.C. &2403(a)).

II. On September 27, 2002 or thereafter, the Respondents was properly served by the Attorney Charles Best while this Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Powers of the Federal Courts after the Petitioner's August 08, 2002 Lawsuit Filing, the Respondents and the Attorney Charles D. Best while engaged in an undisclosed Dual Agency Relationship where the Respondents and the Attorney Charles D. Best used the Federal Courthouse Serving Papers as the instrument of exchange as apart of the Jim Crow Mechanics of Constitutionally Raping the Petitioner of all of his United States Guaranteed Constitutional Civil Rights as a Black Disabled United States American Citizen where the Respondents and the Attorney Charles D. Best Dead Docketed this Federally Filed Lawsuit Case (1:02-CV-2197) on September 27, 2002 while reduce the Petitioner's United States Citizenship down to something less than slave as a direct means of Obstructing Federal Justice as Count Number (2) Two (28 U.S.C. &2403(a)).

III. On September 27, 2002 while the Respondents and the Attorney Charles D. Best were engaged in an Undisclosed Dual Agency Relationship while the Petitioner's

Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Powers of the Federal Courts, the Respondents terminated the Petitioner's Employment from the State of Georgia without an established, required upon, properly signed, prerequisite, Performance Management Plan (P.M.P.) and without any justifiable Probable Cause as a direct means of Obstructing Federal Justice as Count Number (3) Three (28 U.S.C. &2403(a)).

IV. During the months of November and December 2002 while Respondents and the Attorney Charles D. Best were engaged in an Undisclosed Dual Agency Relationship while the Petitioner's Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Powers of the Federal Courts, the Respondents prosecuted the Petitioner without an established - required upon properly signed prerequisite Performance Management Plan (P.M.P.) and without any justifiable Probable Cause for Termination in a Jim Crow Kangaroo Court where the Respondents, the State Administration Hearing Judges, and the Attorney Charles D. Best were all fully and completely aware and knowledgeable that the Petitioner's August 08, 2002 Federally Filed Lawsuit (1:02-CV-2197) was pending in Federal Court that was confirmed by the

Administrative Hearings Judge to everyone at the beginning of these Hearings Proceedings where this was a direct means of Obstructing Federal Justice from the Petitioner's Federal Case as Count Number (4) Four (28 U.S.C. &2403(a)).

V. On January 13, 2003 while the Respondents and the Attorney Charles D. Best were in engaged in an undisclosed Dual Agency Relationship while the Petitioner's August 08, 2002 was under the Federal Judiciary Protection Powers of the Federal Courts, the Petitioner received a Show Cause Order from the United States District Court where the Petitioner immediately turned over to the Attorney Charles D. Best where the Petitioner instructed the Attorney Charles D. Best to disclose the facts to the Federal Court where the Attorney Charles D. Best and the Respondents refused to disclosed to the Federal Courts known and knowledgeable Material Facts about this Federally Filed Lawsuit Case (1:02-CV-2197) United States Courthouse Serving Papers where the Respondents and the Attorney Charles D. Best Obstructed Federal Justice and created an act of Perjury by failing and refusing to disclose a known and knowledgeable Material Facts to the Federal Court about this Federally Filed Lawsuit Case (1:02-CV-2197) as a direct means of

Obstructing Federal Justice as Count Number (5) Five (28 U.S.C. &2403(a)).

VI. On February 12, 2003 while the Respondents and the Attorney Charles D. Best were engaged in an undisclosed Dual Agency Relationship while the Petitioner's August 08, 2002 Federally Filed Lawsuit Case was under the Federal Judiciary Protection Powers of the Federal Courts, the Respondents and Attorney Charles D. Best dismissed the Petitioner's August 08, 2002 lawsuit without the Petitioner's consent as a direct means of Obstructing Federal Justice where the Petitioner has **RESCINDED** all transactions made by the Attorney Charles D. Best under the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII as Count Number (6) Six (28 U.S.C. &2403(a)).

VII. After August 19, 2004 while the Respondents and the Attorney Charles D. Best were still deeply engaged in an Undisclosed Dual Agency Relationship while the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was still under the Federal Judiciary Protection Power of the Federal Courts, the Respondents and the Respondents'

Attorneys (**Known as G. Melton Mobley, Bryan K. Webb, Dennis R. Dunn, and Thurbert E. Baker)** created a Perjured Unconstitutional Inconsistent Lies of a non-existence September 10, 2001 lie and non-existence 180 days lie where the Respondents and the Respondents Attorneys have refused to disclose any known and knowledgeable Material Facts to the Federal Court of the true nature of the Petitioner's 300 days State Employee's Entitlement Status that begun on October 22, 2001 and ended on August 18, 2002 including the Petitioner's E.E.O.C. Right to Sue Letter that existed from May 15, 2002 to August 13, 2002 where the Respondents have deliberately led the Court to believe the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non- Existence 180 days Lie as Reasons, Grounds, and Merits to justify "the doctrine of res judicata" to Dismiss, Cover Up, and Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) as Count Number (7) Seven (28 U.S.C. &2403(a)).

VIII. The Petitioner's Federally Filed Lawsuit Case (1:02-CV-2197) that was filed within

the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where a Judgment has never been rendered in this August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) and where the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was never properly Dismissed in accordance with the Georgia State Law of Undisclosed Dual Agency and Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII is an Active, Legal, Valid, and Enforceable Lawsuit according to State, Federal, and Constitutional Laws (28 U.S.C &2403(a)).

The Magistrate Judge, the District Judge, and the Appeal Judges' have unconstitutionally and discriminatorily used "the doctrine of res judicata" from the Respondents' Perjured Non-Existence September 10, 2001 lie and the Respondents' Perjured Non-Existence 180 days lie as reasons, grounds, and merits to Dismiss, Cover Up, and Justify the Respondents' Criminal Conduct and Activities that have violated and discriminated against the Petitioner's E.E.O.C. 300 days Filing Statutory time Period **that existed from October 22, 2001 to August 18, 2002 where August 08, 2002 was the 290th day of**

filing, and the Petitioner's E.E.O.C. 90 days Right to Sue Letter Statutory time Period **that existed from May 15, 2002 to August 13, 2002 where August 08, 2002 was the 85th day of filing** where the Petitioner's Lawsuit was filed on **August 08, 2002** that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues where the Magistrate Judge, the District Judge and the Appeal Judges herein the State of Georgia cannot use "the doctrine of res judicata" from the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie as Reasons, Grounds, or Merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two Counts of Perjured where the Respondents' violated and broken State, Federal, and Constitutional Laws after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) (28 U.S.C. &2403)

TABLE OF AUTHORITIES

Facts:

a.) The United States Constitution
b.) The Declaration of Independence
c.) The Emancipation Proclamation
d.) The 13th, the 14th, the 15th, and the 19th Amendments to the United States Constitution
e.) The United States Constitutional Civil Rights Acts of 1964, 1981, and 1991 as amended "et al".

f.) The Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution that under Title I, Title V, and Title VII

g.) The Georgia Commission on Equal Opportunity Letter Dated October 22, 2001 from Mr. Todd S. Garrison that confirms that the starting date of the Petitioner's 300 days filing Statutory Period was October 22, 2001 that is undeniable and undisputed by the Respondents

h.) The U.S. Equal Employment Opportunity Commission Right to Sue Letter Dated May 15, 2002 that is undeniable and undisputable by the Respondents

i.) The State Bar of Georgia Letter from the Office of the General Counsel that confirms that the Attorney Charles D. Best is a shady and unscrupulous individual at best dated July 20, 2005 where all transactions made by the Attorney Charles D. Best and the Respondents have been **RESCINDED** that is undeniable and undisputable by the Respondents

j.) GEORGIA STATE LAW GENERAL DEFINITION OF DUAL AGENCY: A dual agency arrangement is one in which an agent has been empowered to act for more than one party in a particular transaction. Dual Agency is only allowed with the knowledge and consent of all parties involved, and the agreement for such a relationship must be in writing. Without proper disclosure of the dual agency, no

commission or fee may be earned by the agent, the agent may be liable to one or more parties for actual and /or punitive damages, and in some circumstance, one or more parties to the transaction may elect to rescind the transaction.

k.) The State of Georgia Performance Management Forms under the year 2000 ending dates that give a clear description as to the Petitioner's Employment History and Job Expectations that is undeniable and undisputable by the Respondents

l.) The Georgia Department of Defense Letter from the State Personnel Office Dated March 12, 2001 by Defendant Sandra Bruce that confirms the Effective Date of May 01, 1998 for the State DOD Personnel Policies and Procedures that is undeniable and undisputable by the Respondents

m.) The Georgia Department of Defense Personnel Policies and Procedures with the Effective Date of May 01, 1998 that is undeniable and undisputable by the Respondents

n.) DCS-OPS-MS (190) Regulated Job Description Dated 29 June 1995 that confirms that the Petitioner has been exercising his Authority since 1995 of authorizing and scheduling Leave for himself and his employees.

o.) A State of Georgia Training Certificate that was issued to the Petitioner and signed by the Governor Zell Miller for the successful completion of this training that makes the

Petitioner an authority on this subject that is undeniable and undisputable by the Respondents

p.) The Performance Management Process Training under the Georgia Gain Guidelines of S.M.A.R.T. was never conducted by the Respondents with a P.M.P. as apart of the State DOD Personnel Policies and Procedures when the Respondents terminated the Petitioner's Employment that was in direct violations of the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution that is undeniable and undisputable by the Respondents

q.) The Letter from Kaiser Permanente Dated September 20, 2002 that confirms that the Petitioner was under the Doctor's Care and Treatment awaiting surgery when the Respondents violated the E.E.O.C. Title I, Title V, and Title VII by Harassing and Terminating the Petitioner's Employment for filing his Lawsuit in Federal Court on August 08, 2002 that is undeniable and undisputable by the Respondent

r.) The Leave Grids signed by Sgt. Williams while under the non-established supervision of Mark Williams that was not in accordance to the State of Georgia DOD Policies, Procedures, Guidelines, and Regulations that confirms that the Petitioner was still authorizing Leave for himself and his employees that is undeniable and undisputable by the Respondents

s.) The Petitioner's August 08, 2002 Lawsuit that was filed under Civil Action Case Number 1:02-CV-2197 in Federal Court within the statue on the 85th day within the 90 days Right to Sue Letter Statutory Period dated May 15, 2002 and within the statue on the 290th day within the 300 days Filing Statutory Period dated October 22, 2001 where this Lawsuit was filed within complete compliance of the statues that is undeniable and undisputable by the Respondents.

SEPARATE DOCUMENTED FACTS AND EVIDENCES APPENDIX EXHIBITS (A THRU G)

1. **Exhibit A -** This is the Complaint that the Petitioner placed in the mail to the G.C.E.O. on October 17, 2001, (pages 1., 2., 3., 4., and 5.)

2. **Exhibit B** – This is an Intake Dismissal Form Dated October 22, 2001 from Mr. Todd S. Garrison confirming receipt and transfer, (pages 6. and 7.)

3. **Exhibit C** – Dr. Stephen M. McCollam Surgery Operative Note Dated 10/18/01, (page 8.) **Exhibit C** – The Doctor's Letter from Kaiser Permanente Dated Sept. 20, 2002, (page 9.)

4. **Exhibit D** – The E.E.O.C. Right to Sue Letter dated May 15, 2002, (pages 10., 11., and 12.)

5. **Exhibit E** – This is the U.S. Clerk's Stamped Front Page of the lawsuit that was filed by the Petitioner within the legal filing limit of 300 days statutory time period dated August 08, 2002, (page 13.)

6. **Exhibit F** – This is a letter from the State Bar of Georgia, Office of the General Counsel where the State Bar confirms that the Attorney Charles D. Best is shady and unscrupulous dated July 20, 2005, (pages 14. and 15.) **Exhibit F** – This is a letter from the State Bar of Georgia and the Georgia Supreme Court disbarring the Attorney Charles D. Best dated 12 /01/05, (pages 16., 17., 18., and 19.)

7. **Exhibit G** – This is a unconstitutional Separation Notice that does not possess ah established required upon properly signed prerequisite Performance Management Plan (P.M.P.) and does not possess any justifiable Probable Cause for Termination because the Petitioner had the authority to schedule leave for himself and his employees since year of 1995 (pages 20. and 21.)

8. **Exhibit H** – This is the front page of the Personnel Policies and Procedures with an effective date of May 01, 1998 (pages 23 and 24).
9. **Exhibit I** – The First two and half (2 ½) pages of the 1995 Regulation known as DCS-OPS-MS (190) that was issued by the National Guard Bureau Military Support Office that gave the Petitioner the Authority and Discretion to schedule leave for himself and his employees dated 29 June 1995 (page 25, 26, and 27).

IN THE
Supreme Court of the United States

Sgt. Emmett L. Williams
Petitioner, Plaintiff
-Vs.-
State of Georgia, "et al." **05-15648-JJ (06-125)**, and three other Incorporated Conspiracy Cases known as: Appeal Cases: 05-15760-CC and 05-17046-BB, and 05-11275-AA (05-833)
Respondents, Defendants

Petition for a Writ of Certiorari To the United States Court of Appeal for the Eleventh Circuit and For the Northern District of Georgia

The Petitioner, Sgt. Emmett L. Williams, prays that a Writ of Certiorari is issued as to review the Decisions, Orders, and Judgments of the United States District Court in the Northern District of Georgia and the United States Court of Appeals For the Eleventh Circuit entered in this proceeding on September 27, 2005, March 31, 2006, and May 17, 2006 where the Magistrate Judge, District Judge, and Appeal Judges herein the State of Georgia have unconstitutionally use "the doctrine of res judicata" from the Respondents' Perjured Non-Existence September I0, 2001 lie and the Respondents' Perjured 180 days lie to Dismiss, Cover Up, and Justify the Respondents' Criminal Conduct and Activities (28 U.S.C. &2403(a)).

Jurisdiction.

The Decisions, Orders, and Judgments of the United States District Court were entered on August 31, 2005 and September 27, 2005 and the United States Court of Appeals was entered on March 31, 2006. The Petition for rehearing and rehearing En Banc were denied on May 17, 2006, and this Petition for Certiorari has been filed within 90 days **where the Magistrate Judge, the District Judge, and the Appeal Judges have unconstitutionally and discriminatorily** use "the doctrine of res judicata" from the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie as Reasons, Grounds, and Merits to Dismiss, Cover Up, and Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury after August 08, 2002 Filing (1:02-CV-2197) (**28 U.S.C. &2403(a)**). The Jurisdiction of this Court is invoked under 42 U.S.C. &2000e-5(f) and 28 U.S.C. &1331, &1337, 1343(4), & 28 U.S.C. &2403(a) because the Petitioner is a "person" within the meaning of 42 U.S.C. &2000e(a) and is subject to the jurisdiction of this Federal Court. Jurisdiction is founded upon the Constitution of the United States pursuant to the Civil Rights Act of 1964 (Title VII), as amended by the Act of 1991, 42 U.S.C., &2000e et. seq., to include Titles I and V of the A.D.A. of 1990; and upon the inherent and the traditional powers of this Court to do Justice.

The Petitioner Motions the Court for Justice and Equality of Receiving "Equal Justice Under the Law" Because it is Unconstitutional and Discriminatory for the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia to Condone, Support, or Cooperate Within the Jim Crow Mechanics of a Constitutional Raping after the Petitioner filed his Lawsuit in Federal Court on August 08, 2002 (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where a Judgment has never been rendered in the Petitioner's August 08, 2002 Lawsuit Case (1:02-CV-2197) , and where the Petitioner's August 08, 2002 Federally Filed Lawsuit (1:02-CV-2197) has never been properly Dismissed in Accordance with **the GEORGIA STATE LAW OF UNDISCLOSED DUAL AGENCY and THE FEDERAL RETALIATION AND DISCRIMINATION LAWS OF THE E.E.O.C. AND THE UNITED STATES CONSTITUTION UNDER TITLE I, V, AND VII** where the Magistrate Judge, the District Judge, and the Appeal Judges **CANNOT** Unconstitutionally or Discriminatorily use "the doctrine of res judicata" from the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days lie as Reasons, Grounds, or Merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of (7) seven

counts of Obstructing Federal Justice and (2) two counts of Perjury **after the Petitioner's August 08, 2002 Lawsuit (1:02-CV-2197) (28 U.S.C. &2403(a))**.

The Judiciary Process herein the State of Georgia is so discriminatory and racist that the Magistrate Judge, the District Judge, and the Appeal Judges have allowed the Petitioner to witness the most amazing and saddest thing as a Black Disabled United States American Citizen where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all Condoned, Supported, and Cooperated within the Jim Crow Mechanics of a Constitutional Raping of all of the Petitioner's United States Guaranteed Constitutional Civil Rights, Liberties, and Freedoms as a Black Disabled United States American Citizen **where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all refused to exercise any of their own Intellectual Educational Capabilities of just counting the Petitioner's E.E.O.C. 300 days and 90 days statutory time periods that existed from October 22, 2001 to August 18, 2002 as being a total of 300 days and from May 15, 2002 to August 13, 2002 as being a total of 90 days** where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have permitted and allowed themselves to

unconstitutionally and discriminatorily use and build "the doctrine of res judicata" on top of the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie without making any requirements whatsoever to the Respondents that the Respondents' Perjured Lies of September 10, 2001 and 180 days as being justifiable, truthful, and factual information that the Respondents were submitting to the Federal Courts where Decisions, Orders, and Judgments will be based **where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have based all of their Decisions, Orders, and Judgment upon the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie that do not justify "the doctrine of res judicata" in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) as Reasons, Grounds, and Merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing (28 U.S.C. &2403(a)).**

"The doctrine of res judicata" does not apply or exist in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) because the

February 12, 2003 Dismissal of the Petitioner's August 08, 2002 Lawsuit (1:02-CV-2197) was **RESCINDED as being NULL and VOID** do to a undisclosed Dual Agency Relationship that existed between the Attorney Charles D. Best and the Respondents that **DEAD DOCKETED** this Federally Filed Lawsuit Case (1:02-CV-2197) where this Federally Filed Lawsuit Case (1:02-CV-2197) was filed by the Petitioner on August 08, 2002 within the legal filing limits of the E.E.O.C. 300 days and 90 days statues **that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002** where a Judgment has never been rendered in this Federally Filed Lawsuit Case (1:02-CV-2197) and where the Petitioner's August 08, 2002 Lawsuit (1:02-CV-2197) was never properly Dismissed in accordance with the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII **where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have unconstitutionally and discriminatorily condoned, supported, and cooperated within the Jim Crow Mechanics of the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197)** where the Magistrate Judge, the District Judge, and

the Appeal Judges herein the State of Georgia cannot unconstitutionally or discriminatorily use "the doctrine of res judicata" from the Respondents' Perjured Non-Existence September 10, 2001 lie and the Respondents' Perjured Non-Existence 180 days lie as Reasons, Grounds, or Merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) (28 U.S.C. &2403(a)).

The Petitioner Motions the court for Justice and Equality of Receiving **"Equal Justice Under the Law"** because there are three pieces of evidences that are so damaging toward the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) that the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all abandoned all of the Laws of the E.E.O.C. and the United States Constitution **where absolutely no DOD Georgia State Employee can be terminated or evaluated without an Established Performance Management Plan (P.M.P.)** where a newly incoming supervisor must establish a P.M.P. with the Employee at the beginning of the supervisor's administration then immediately filed into the Employee's Personnel File **that was never**

established before or after August 08, 2002, and since 1995, the Petitioner performed his duties under an unchanged and unaltered REGULATION that was issued by the National Guard Bureau Military Support Office as DCS-OPS-MS (190) that gave the Petitioner the AUTHORITY and DISCRETION to schedule leave for himself and his employees that made the bogus charge of Unauthorized Leave totally ridiculous and without any Merit to Terminate the Petitioner's Employment from the State of Georgia where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia cannot unconstitutionally or discriminatorily use "the doctrine of res judicata" from the Respondents' Perjured Non-Existence September 10, 2001 lie and the Respondents' Perjured Non-Existence 180 days lie as Reasons, Grounds, or Merits to Dismiss, Cover Up, ~~or Justify the~~ Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) (28 U.S.C. &2403(a)).

The Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have permitted and allowed the Petitioner to be a victim of a vicious Constitutional Raping Assault where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia are all willing to unconstitutionally and

discriminatorily allow the Respondents' Perjured Non-Existence September 10, 2001 lie and the Respondents' Perjured Non-Existence 180 days Lie to Constitutionally Rape the Petitioner of all of the Petitioner's United States Guaranteed Constitutional Civil Rights, Liberties, and Freedoms as a Black Disabled United States American Citizens (28 U.S.C.&2403(a)).

The Petitioner is requesting that the United States Attorney DAVID E. NAHNIAS and the Assistant United States Attorney MELAINE A. WILLIAMS throw the full support and weight of the Federal Courts behind investigating the Respondents' (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury as to finding justifiable Probable Cause as to prosecuting all of the Respondents under these charges within the boundaries of these Federally Filed Lawsuit Cases (1:04-CV-2415, 1:05-CV-1303, 1:05-CV-1781, and 1:05-CV-2274) that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

The Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all unconstitutionally and discriminatorily condoned, supported, and cooperated within the Jim Crow Mechanics of a Constitutional Raping of all of the Petitioner's United States Guaranteed Constitutional Civil Rights, Liberties, and Freedoms as a Black Disabled United States

American Citizen where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have adopted the Respondents' Perjured Non-Existence Lies as their very own where the Respondents, the Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia CANNOT produce not (1) one sheet of paper or (1) one thread of evidences as to proven the AUTHENTICITY that these perjured non-existence lies actually existed **(28 U.S.C. &2403(a)).**

Conclusion

For all of the foregoing Reasons Explained Above, Sgt. Emmett L. Williams, Petition for Certiorari should be granted and the unconstitutional and discriminatory Decisions, Orders, and Judgments of the Magistrate Judge, the District Judges, and the Appeal Judges herein the State of Georgia should be vacated, reversed, and remanded for all future proceedings to be consistent with this action in the Name of Justice Because Justice So Requires (28 U.S.C. &2403(a)).

Respectfully Submit,

EMMETT L. WILLIAMS
Sgt. Emmett L. Williams,
Pro-Se Litigant

APPENDIX EXHIBITS
(A THRU I)

The Judiciary Process herein the State of Georgia is so Discriminatory and Prejudice that the Petitioner Motions the Supreme Court of the United States for Justice and Equality of Receiving "Equal Justice Under the Law" because it is Unconstitutional and Discriminatory for the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia to Condone, Support, or Cooperate Within the Jim Crow Mechanics of a Constitutional Raping where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia are all fully aware that the Petitioner filed his Lawsuit in Federal Court on August 08, 2002 that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where the Magistrate Judge, District Judge, and Appeal Judges herein the State of Georgia are all fully aware that the Respondents violated (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) where it is unconstitutional and discriminatory that the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia will all use "the doctrine of res judicata" from the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie as Reasons, Grounds, or Merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) (28 U.S.C. &2403(a)).

EXHIBIT – A

The Petitioner can prove beyond any shallows of any doubts that the petitioner originally filed his Lawsuit Complaint through the GEORGIA COMMISSION ON EQUAL OPPORTUNITY that was mailed on October 17, 2001 after a bad fall and injury.

The Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all submitted paperwork on the behalf of the Respondents as to justifying "the doctrine of res judicata", but the Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia CANNOT produce not one sheet paper or one thread of factual evidences that can be used as factual evidences or proof within a Court of Law that will confirm or validate the LEGITIMACY of the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie that will justify the Reasons, Grounds, or Merits for "the doctrine of res judicata" in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

EXHIBIT A – THIS IS THE COMPLAINT THAT THE PETITIONER PLACED IN THE MAIL TO THE G.C.E.O. ON OCTOBER 17, 2001 WHILE STILL EMPLOYED BY THE STATE OF GEORGIA DOD WITH 300 DAYS FILING STATUTORY ENTITLEMENT

GCEO No.: _____
EEOC No.: _____
Fields in this box to be completed
Only by GCEO officials

Due to a very serious fall and injury, I have placed this document In the mail on 17 October 2001 and requesting that it be filed immediately upon receipt.

Thanks,
E.L.W.

Employment Discrimination Complaint

Georgia Commission on Equal Opportunity

Please type or print legibly. Please note that attachments will not be accepted as a substitute for completion of this form.

1. Complainant Information

Emmett L. Williams
First Name Middle Initial Last Name

10 Treeview Drive, Unit A
Street Address

Unit A
Apartment, Post Office Box, Route Number, etc.

Lithonia, Georgia 30038
City, State and ZIP code

7/808-0563
Home Telephone Number

4/624-6010
Work Telephone Number

n/a
Cell Telephone Number

2. Respondent Information (Please fill in the contact information for the agency that allegedly discriminated against you.)

The Department of Defense / The DOD Personnel Office
Agency Name

Exhibit A

935 East Confederate Avenue .
Agency Street Address

Atlanta, Georgia 30316 .
Agency Street Address

4/624-6000 or 6044 .
Agency Phone Number

3. Issues
Please check only those issues that reflect adverse employment action (s) taken against you within the last 180 days. Please include the relevant date(s) upon which you first became aware the action(s) had been taken in the space marked "Date of Action(s)." Please use month/date /year format for all dates.

( ) Discharge ( ) Laid Off ( ) Forced Resignation/Retirement

Your job title at the time of the action(s): **Senior Officer Facility Police Sergeant DOD** .

Date of action(s) .

( ) Demotion) Involuntary Transfer, Date of Action(s)_____.

Position/Job title from which you were demoted/transferred:_____.

Position/ Job title to which you were demoted/transfer:_____.

( ) Failure to Hire ( ) Failure to Promote
For Failure to hire and/or failure to promote give date(s) you became aware that you had not been selected for position.

Date of Notification of Non-Selection:_____.

The job title of the position for which you applied:_____.

Exhibit A

(X) Discipline Action

Type of action (reprimand, suspension, letter of concern, etc.) Conspiracy to create false charges and documentation that does not comply or conform to any Georgia DOD Regulations.
Date of action(s) 21 December 2000, 03 May 2001, 16 July 2001, 24 July 2001, and 07 August 2001

( ) Denied Reasonable Accommodation
For reasonable accommodation of religion or disability, give date that you requested reasonable accommodation and most recent date your request was denied.

Date of request for reasonable accommodation_____.

Most recent date of denial of request for reasonable accommodation._____.

Brief description of reasonable accommodation requested_____.

(X) Other action(s) Date of action(s): 11 October 2000, 21 December 2000, 03 May 2001, 24 July 2001, 07 August 2001, and 16 August 2001

Briefly describe action(s): The Georgia State Department of Defense present Administration and Personnel Office are racist and prejudice and directly responsible for creating, manipulating, and controlling a Conspiracy Racial Discrimination Assault of Homosexual Overtones and Harassments between 21 December 2000 to 07 August 2001 that has continued to this present day that includes Slander and Defamation of Character and creating false documentation against me that does not comply or conform to any of State of Georgia DOD Policies, Procedures, Guidelines, and Regulations while trying to create a scenario of a Ungodly Homosexual Confrontation on the Job with a terminated Subordinate as a direct means of trying to justify terminating my employment as a black supervisor with an

Exhibit A

outstanding and impeccable service record, and I am requesting an immediate transfer to the Federal E.E.O.C. upon receipt of this document.

4. Bases

For the following section, check only those categories that you believe contributed to the actions taken against you. Specify your basis (i.e. Race: Black, Hispanic, Asian, Color: light, medium, dark: Age: give date of birth month/date/year; Sex: Female, male; Disability; type of physical and/or psychiatric impairment; etc.) for each applicable category, where appropriate.

(XX) Race Black .

( ) Religion .

( ) Color .

( ) Sex Male .

( ) Age (40+) .

( ) Disability .

( ) National Origin .

(XX) Unlawful Retaliation that bogus Counseling Statement

VERIFICATION

I swear or affirm that the information provided in this complaint is true and correct to the best of my knowledge, information and brief. I further swear and affirm under penalty of law, that the information contained herein does not constitute a frivolous or unwarranted complaint of unlawful discrimination as described within the Fair Employment Practices Act of 1978 (0.C.G.A. &45-19-44 (6) and &45-19-45(5)).

/s/ Sgt. Emmett L. Williams . 03 Oct 01 .

Complainant's Signature Date

To be completed by Notary Public:

Exhibit A

COUNTY OF DEKALB .
STATE OF GEORGIA

Personally appeared before me, the undersigned officer duly authorized by law to administer oaths, **Emmett L. Williams,** who, after first being duly sworn, deposes and says that s/he is fully competent to verify and testify as to the matter referred to and inquired about herein and that s/he does hereby verify the foregoing information.

Sworn to and subscribed
Before me this 3rd day of
October , 2001.

/s/ Ursula S. Rogers .
Notary Public
(SEAL) Notary Public, Dekalb County Georgia
My Commission expires September 15, 2005

EXHIBIT – B

The Petitioner can prove beyond any shallows of any doubts that Mr. Todd S. Garrison as the Intake Coordinator for the GEORGIA COMMISSION ON EQUAL OPPORTUNITY has confirmed receipt of the Petitioner' Lawsuit Complaint that was immediately filed and transferred to the Federal E.E.O.C. on October 22, 2001 with an October 22, 2001 Confirmation Letter addressed back to the Petitioner where this also confirms that from October 22, 2001 to August 18, 2002 is the Petitioner's E.E.O.C. 300 days statutory time period where the Petitioner filed his lawsuit in Federal Court on August 08, 2002 that was within the 300 days legal filing limit that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002.

The Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all submitted paperwork on the behalf of the Respondents as to justifying "the doctrine of res judicata", but the Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia CANNOT produce not one sheet paper or one thread of factual evidences that can be used as factual evidences or proof within a Court of Law that will confirm or validate the LEGITIMACY of the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie that will justify the Reasons, Grounds, or Merits for "the doctrine of res judicata" in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

EXHIBIT B – THE PETITIONER'S E.E.O.C. 300 DAYS FILING STATUTORY PERIOD STARTING DATE OF OCTOBER 22, 2001 CONFIRMED BY MR. TODD S. GARRISON DATED OCTOBER 22, 2001

Georgia Commission on Equal Opportunity
INTAKE DISMISSAL FORM

TO:	**FROM:**
Emmett L. Williams 10 Treeview Drive, Unit A Lithonia, Georgia 30038	Georgia Commission on Equal Opportunity 710 International Tower – Peachtree Center 229 Peachtree Street, N.E. Atlanta, Georgia 30303 (404) 656-1736

YOUR COMPLAINT IS DISMISSED FOR THE FOLLOWING REASON:

( ) The facts you allege fail to state a claim under any of the statues enforced by Commission.

( ) Your complaint was not timely filed with the Commission, i.e., you waited more than 180 days after the alleged date(s) of the discrimination to file. Because it was filed outside the time limit prescribed by Georgia law, the Commission cannot investigate your allegation. However, your complaint is being forwarded to the U.S. EEOC who may have jurisdiction over this matter. You may contact EEOC at (404) 562-6800.

( ) You failed to provide requested information , failed or refused to appear or to be available for necessary interviews/conferences; or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your complaint. You have had more than 10 days in which to respond to our final written request.

( ) There has been no response from you regarding your earlier contact with this office. However, if you still wish to file a complaint of discrimination, please contact this office at your earliest possible convenience. Please be advised that Georgia law requires all such complaint to be filed within 180 days from the most recent act of discrimination.

Exhibit B

( ) The named employer is not an agency of the State of Georgia, and as such is not subject to any of the statues enforced by the Commission. However, your complaint is being forwarded to the U.S. EEOC who may have jurisdiction over this matter.

( ) Based upon the review of your submitted documents, the Commission is unable to conclude that the information obtained establishes violations of the statues. This does not certify that the Respondents is in compliance with the statues. No finding is made as any other issues that might be construed as having been raised by this inquiry.

(X) Other (briefly state) Per Your request, your complaint has been forwarded to the U.S. Equal Employment Opportunity Commission (EEOC). You may contact EEOC at (404) 562-6800. Please use your EEOC charge number 11BA20017 when referencing your case.

This determination by the Georgia Commission on Equal Opportunity (GCEO) represents the end of the processing of your complaint under the Georgia Fair Employment Practices Act of 1978, as amended (FEPA). If your complaint was dismissed because of your non-response or failure to cooperate, and you still wish to file a complaint of discrimination, please contact this office at your earliest possible convenience. Please be advised that Georgia law requires all such charges to be filed within 180 days from the most recent act of discrimination.

On behalf of the Commission,

/s/ 10 / 22 / 01
Date

/s/ Todd S. Garrison
Todd S. Garrison, Intake Coordinator

EXHIBIT – C

The Petitioner can prove beyond any shallows of any doubts that the Petitioner was under the Doctor's Care and Treatment awaiting surgery on September 27, 2002 when the Respondents terminated the Petitioner's Employment from the State of Georgia just because the Petitioner had the Respondents Served with the Petitioner's Lawsuit Complaint by the Attorney Charles D. Best on September 27, 2002 where the Petitioner was terminated from the State of Georgia without a Performance Management Plan (P.M.P.) where it is absolutely impossible to terminate any State of Georgia DOD Employee without a Performance Management Plan (P.M.P.) or without having justifiable Probable Cause where the Respondents and the Attorney Charles D. Best formed an unconstitutional and discriminatory undisclosed Dual Agency Relationship as to engage in sabotaging and derailing the Petitioner's ongoing Federally Filed Lawsuit Case (1:02-CV-2197).

The Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all submitted paperwork on the behalf of the Respondents as to justifying "the doctrine of res judicata", but the Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia CANNOT produce not one sheet paper or one thread of factual evidences that can be used as factual evidences or proof within a Court of Law that will confirm or validate the LEGITIMACY of the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie that will justify the Reasons, Grounds, or Merits for "the doctrine of res judicata" in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

EXHIBIT C – THIS IS WHERE THE PETITIONER HAD HIS FIRST SURGERY DATED OCTOBER 18, 2001 WHILE STILL EMPLOYED BY THE STATE OF GEORGIA DOD WITH 300 DAYS FILING STATUTORY ENTITLEMENT

10 /18/ 2001 STEPHEN M. MCCOLLAM
OPERATIVE NOTE

WILLIAMS, EMMETT

SURGERY: Emmett was taken to surgery on 10 /18/ 01 where open exploration of his elbow revealed a radial head fracture. It was comminuted involving the anterior 55% of the radial head with the forearm in neutral rotation. This was unfixable. This was debrided and the remaining 45% was left behind. The patient has also experienced a coranoid avulsion fracture which was fixed through a separate incision. Thirdly, the patient underwent a ligament repair of the posterolateral quadrant of the elbow as the ligament had been stripped off the posterior aspect of the lateral column. These were fixed with 5 mini mitec suture anchors as well as fixing the lateral ulnar collateral ligament origin which had been avulsed off of the lateral epicondyle. This was a very complex injury requiring the use of Amenda Scherger as my first assistant.

Stephen M. McCollam, M.D.

EXHIBIT C – THE DOCTOR'S LETTER FROM KAISER PERMANENTE DATED SEPTEMBER 20, 2002 WHILE THE PETITIONER WAS STILL EMPLOYED BY THE STATE OF GEORGIA DOD/ ON LEAVE IN ACCORDANCE WITH DCS-OPS-MS (190) 1995 REGULATED JOB DESCRIPTION AND THE PREVAILING 1999 P.M.P. EVALUATION

KAISER PERMANENTE

September 20, 2002

State of Georgia
Department of Defense National
Guard Headquarters
935 East Confederate Avenue
Atlanta, Georgia 30316

Attention: Personnel Office

Re: Williams, Emmett
HR # 0460647

To Whom it May Concern:

Mr. Emmett Williams is being treated for hypertension. He has an on-going problem with his right elbow following a fall. He was status post elbow surgery on 10/18/01, but unfortunately this did not correct the deformity. He has lost function of his elbow and is unable to fire his revolver. I recommend that he stay on light duty until completion of his treatment with his orthopedist. He should be allowed to take time off work because of his disability.
Sincerely

/s/ E.L.W.

/s/ Toan Nguyen
TOAN NGUYEN, MD
Lead Physician HCT A
Department of Internal Medicine
Panola Medical Office
404 365-0966

/s/ GAIL HILL 9/30/02
Notary Public
Dekalb County Georgia
My Commission Expires
Aug. 27, 2005

EXHIBIT – D

The Petitioner can prove beyond any shallows of any doubts that the E.E.O.C. issued the Petitioner a "Right to Sue Letter" that existed from May 15, 2002 to August 13, 2002 where the Petitioner filed his Lawsuit in Federal Court on August 08, 2002 that was within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002.

The Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all submitted paperwork on the behalf of the Respondents as to justifying "the doctrine of res judicata", but the Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia CANNOT produce not one sheet paper or one thread of factual evidences that can be used as factual evidences or proof within a Court of Law that will confirm or validate the LEGITIMACY of the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie that will justify the Reasons, Grounds, or Merits for "the doctrine of res judicata" in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

EXHIBIT D– THIS IS A DISMISSAL AND NOTICE OF RIGHTS RECEIVED IN THE MAIL ON MAY 18, 2002 FROM THE E.E.O.C. TO THE PETITIONER WHILE STILL EMPLOYED BY THE STATE OF GEORGIA DOD WITH 300 DAYS FILING STATUTORY ENTITLEMENT THAT ENDED ON AUGUST 18, 2002

U.S. EQUAL EMPLOYMENT OPPORTUNITY

DISMISSAL AND NOTICE OF RIGHTS

To: Emmett L. Williams
10 Treeview Drive, Unit A
Lithonia, GA 30038

From: EEOC, Atlanta District Office
100 Alabama Street, SW, Suite 4R30
Atlanta, Georgia 30303

On behalf of Person(s) aggrieved whose identity is
( ) CONFIDENTIAL (29 CFR &1601.7(a)

Charge Number	EEOC Representative	Telephone Number
11BA200017	Vera J. Sims, Deferral Coordinator	(404) 562-6860

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

(X) The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

( ) Your allegation did not involve a disability that is cover by the American with Disabilities Act.

( ) The Respondent employs less than the required number of employees or is not otherwise covered by the statues.

( ) We cannot investigate your charge because it was not filed within the time limit required by law.

( ) Have been given 30 days in which to respond, you failed to provide information, fail to appear or be available for interview/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.

EXHIBIT D

( ) While reasonable efforts were made to locate you, We were not able to do so.

( ) You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.

( ) The EEOC issues the following determination: Based Upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

( ) The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

( ) Other (briefly state) _____.

-NOTICE OF SUIT RIGHTS-
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and /or the Age Discrimination in Employment Act: This will be the only notice dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS from your receipt of this Notice,** otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may be collectible.**

EXHIBIT D

On Behalf of the Commission

/s/ Bernice Williams-Kimbrough
BERNICE WILLIAMS-KIMBROUGH

May 15, 2002
(Date Mailed)
(Stamped)

Enclosure(s)

cc: State of Georgia Department of Defense
EEOC Form 161 (10/96)

EXHIBIT – E

The Petitioner can prove beyond any shallows of any doubts where this is a FACE COPY of the Original Federally Filed Lawsuit Case (1:02-CV-2197) that the Petitioner filed in Federal Court on August 08, 2002 where the Petitioner's E.E.O.C. August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002.

The Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all submitted paperwork on the behalf of the Respondents as to justifying "the doctrine of res judicata", but the Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia CANNOT produce not one sheet paper or one thread of factual evidences that can be used as factual evidences or proof within a Court of Law that will confirm or validate the LEGITIMACY of the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie that will justify the Reasons, Grounds, or Merits for "the doctrine of res judicata" in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

EXHIBIT E- THE FRONT PAGE CONFIRMED FILING STAMP OF THE LAWSUIT THAT WAS FILED IN FEDERAL COURT WITHIN THE 300 DAYS FILING STATUTORY ENTITLEMENT THAT WAS FILED ON AUGUST 08, 2002 IN ACCORDANCE WITH THE LAWS OF THE E.E.O.C.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C
AUG –8 2002
LUTHER D. THOMAS, CLERK
By: /s/ DEPUTY CLERK, Int.
STAMPED

Sgt. EMMETT L. WILLIAMS — CIVIL ACTION

Plaintiff,

V. — **FILE NO.**

THE STATE OF GEORGIA — **1: 02-CV-2197**
DEPARTMENT OF DEFENSE
NATIONAL GUARD HEADQUARTERS, and
Cpt. RAYMOND FAUNT, Individually and in
His official and full capacity as The State DOD
Military Support Security Manager and
Plaintiff's Immediate Supervisor over
Civilian Departmental Section of State of
Georgia D.O.D. Facility Police, and
Ms. SANDRA BRUCE, individually and
In her official and full capacity as the State
D.O.D. PERSONNEL OFFICE which she
is the PERSONNEL MANAGER,

Defendant.

COMPLAINT

Come now Sgt. Emmett L. Williams. Plaintiff in this proceeding, and states his Complaint as follow:

EXHIBIT – F

The Petitioner can prove beyond any shallows of any doubts that the Attorney Charles D. Best was in Possession of United State Courthouse Serving Papers after the Respondents had been served with the Petitioner's E.E.O.C. August 08, 2002 Lawsuit Complaint on September 27, 2002 that had been filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where thereafter on September 27, 2002, the Respondents and the Attorney Charles D. Best formed an illegal, unlawful, unconstitutional, and discriminatory Undisclosed Dual Agency Relationship where the Respondents and the Attorney Charles D. Best proceed to illegally, unlawfully, unconstitutionally, and discriminatorily DEAD DOCKETED the Petitioner's ongoing Federally Filed Lawsuit Case (1:02-CV-2197) **where it is evidences that the Attorney Charles D. Best had from September 27, 2002 to December 06, 2002 to file the United State Courthouse Serving Papers into the Federal Courts** where the Respondents and the Attorney Charles D. Best illegally, unlawfully, unconstitutionally, and discriminatorily Bought, Sold, and Raped the Petitioner of all of the Petitioner's United States Guaranteed Constitutional Civil Rights as a Black Disabled United States American Citizen as the Respondents and the Attorney Charles D. Best reduced the Petitioner's United States American Citizenship down to something less than a Slave while the Respondents and the Attorney Charles D. Best violated and Broken State, Federal, and Constitutional Laws.

The Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all submitted paperwork on the behalf of the Respondents as to justifying "the doctrine of res judicata", but the Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia CANNOT produce not one sheet paper or one thread of factual evidences that can be used as factual evidences or proof within a Court of Law that will confirm or validate the LEGITIMACY of the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie that will justify the Reasons, Grounds, or Merits for "the doctrine of res judicata" in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

EXHIBIT F – STATE BAR OF GEORGIA LETTER THAT CONFIRMS THAT THE ATTORNEY CHARLES D. BEST IS SHADY AND UNSCRUPULOUS AS UNDISCLOSED DUAL AGENCY DATED JULY 20, 2005

STATE BAR OF GEORGIA

OFFICE OF THE GENERAL COUNSEL

WILLAM P. SMITH, III
GENERAL COUNSEL
Bar Counsel
ROBERT E. McCORMACK
Deputy General Counsel
JOHN J. SHIPTENKO
Assistant General Counsel

Disciplinary Counsel
PAULA J. FREDERICK
Deputy General Counsel
JENNY K. MITTELMAN
JONATHAN HEWETT
Sr. Assistant General Counsel
GENE CHAPMAN
ELIZABETH M. WILLIAMSON
KELLYN O. McGEE
Assistant General Counsel
REBECCA A HALL
Grievance Counsel

July 20, 2005

Sgt. Emmett L. Williams
1266 Bedford Avenue
Columbus, Georgia 31903

Re: **In the Matter of Charles Douglas Best**
State Disciplinary Board Docket No. 4914

Dear Sgt. Williams:

The Investigative Panel of the State Disciplinary Board has concluded its investigation into the grievance that you filed against Charles Best. Mr. Best never filed any response to your complaint and at its meeting on July 8, 2005, the Panel issued a Notice of Discipline recommending that the Supreme Court disbar him.

The Panel had seven other cases before it regarding Mr. Best. Apparently he has abandoned his practice. We have

received word that he is a resident in a facility for people who suffer from alcoholism or drug abuse, but have not been able to contact him there.

It is likely that the Court will enter an order disbarring Mr. Best if he does not file any response to the Notices of Discipline. I will be in touch with you when the Supreme Court enters an order in this matter; in the meantime, feel free to contact me or Deborah Grant, my assistant, if you have questions.

Sincerely,

/s/ Paula Frederick
Paula J Frederick
Deputy General Counsel

PJF/dmg

104 Marietta Street, N.W.- Suite 100 - Atlanta, Georgia 30303
(404) 527-8720 - (800) 334-6865 - (404) 527-8744 facsimile

EXHIBIT F – STATE BAR OF GEORGIA LETTER THAT CONFIRMS THAT THE ATTORNEY CHARLES D. BEST IS SHADY AND UNSCRUPULOUS AS UNDISCLOSED DUAL AGENCY DATED DECEMBER 01, 2005

STATE BAR OF GEORGIA

OFFICE OF THE GENERAL COUNSEL

WILLAM P. SMITH, III
GENERAL COUNSEL
Bar Counsel
ROBERT E. McCORMACK
Deputy General Counsel
JOHN J. SHIPTENKO
Assistant General Counsel

Disciplinary Counsel
PAULA J. FREDERICK
Deputy General Counsel
JENNY K. MITTELMAN
JONATHAN HEWETT
Sr. Assistant General Counsel
GENE CHAPMAN
KELLYN O. McGEE
REBECCA A. HALL
Assistant General Counsel
CARMEN ROJAS RAFTER
Grievance Counsel

December 1, 2005

Sgt. Emmett L. Williams
1266 Bedford Avenue
Columbus, Georgia 31903

Re: **In the Matter of Charles Douglas Best**
State Disciplinary Board Docket No. 4914

Dear Sgt. Williams:

On November 21, 2005, the Supreme Court of Georgia entered an Order disbarring Charles Douglas Best from the practice of law in Georgia. I have enclosed a copy of the Order for your records.

I spoke to Mr. Best last month. He is Presently a patient at Bethel Christian Homes, where he is being treated for an undisclosed problem. I have not been able to get information from Mr. Best regarding your case or the whereabouts of your client file.

Exhibit F

With entry of the Court's Order, our investigation of Mr. Best is over. However, you may wish to file a claim with the State Bar of Georgia's Client' Security Fund, which is sometimes able to reimburse money that former clients have lost as the result of a lawyer's dishonest conduct. You may be able to recover some of the fees that you paid Mr. Best by filing an application to the Clients' Security Fund. I have enclosed a brochure that describes the Fund and an application form for your use.

If you have not already done so, you will need to hire another lawyer to complete the legal matter that Mr. Best was handling for you. Good Luck with your case

Sincerely,

/s/ Paula Frederick
Paula J Frederick
Deputy General Counsel

PJF/dmg

104 Marietta Street, N.W.- Suite 100 - Atlanta, Georgia 30303
(404) 527-8720 - (800) 334-6865 - (404) 527-8744 facsimile

Exhibit F

In the Supreme Court of Georgia

Decided: NOV 21 2005
(Stamped)

S05Y1880; S05Y1881; S05Y1882; S05Y1883;
S05Y1884; S05Y1885; S05Y1886; S05Y1887
IN THE MATTER OF CHARLES DOUGLAS BEST

PER CURIAM.

These disciplinary matters are before the Court on the Notices of Discipline filed by the State Bar against Respondent Charles Douglas Best in which it recommends that Best be disbarred for his violations of Rules 1.3; 1.4; 8.4 (a) (4); and 9.3 of the Rules of Professional Conduct found in Bar Rule 4-102 (d). The State Bar Served Best by publication in accordance with Bar Rule 4-203.1 (b) (3) (ii) but Best failed to reject the notice within 30 days of service, see Bar Rule 4-208.3 (a), and accordingly, he in default, has no right to an evidentiary hearing and is subject to the discipline of this Court. See Bar Rule 4-208. 1(b).

Footnote:

We note that, for the first time, Best has filed a petition for voluntary surrender of his license with this Court. In general, However, such petitions may be submitted prior to the issuance of a formal complaint for the consideration by the State Bar, not this Court. See Bar Rule 4-227 (b).

Exhibit F

In each of the eight cases, Best accepted representation and fees, but took little or no action to pursue his clients' cases. His telephone numbers were disconnected and he moved from his office with no forwarding address. He did not contact or communicate with his clients, nor did he take any action to protect their rights. Accordingly, we agree with the name of Charles Douglas Best be removed from rolls of attorneys authorized to practice law in the State of Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

Footnote:

Therefore, we do not consider Best's untimely petition, and it does not change the outcome in this case.

EXHIBIT – G

The Petitioner can prove beyond any shallows of any doubts that the Respondents and the Attorney Charles D. Best were deeply engaged in a illegally, unlawfully, unconstitutionally, and discriminatorily undisclosed Dual Agency Relationship as the Respondents and the Attorney Charles D. Best DEAD DOCKETED the Petitioner's ongoing August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) on September 27, 2002 where the Respondents immediately TERMINATED the Petitioner's Employment from the State of Georgia on September 27, 2002 of that very same day while the Respondents and the Attorney Charles D. Best illegally, unlawfully, unconstitutionally, and discriminatorily violating and breaking State, Federal, and Constitutional Laws.

The Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all submitted paperwork on the behalf of the Respondents as to justifying "the doctrine of res judicata", but the Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia CANNOT produce not one sheet paper or one thread of factual evidences that can be used as factual evidences or proof within a Court of Law that will confirm or validate the LEGITIMACY of the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie that will justify the Reasons, Grounds, or Merits for "the doctrine of res judicata" in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

EXHIBIT G – WHILE UNDER THE FEDERAL JUDICIARY PROTECTION POWERS OF THE FEDERAL COURTS, THIS IS A SEPARATION NOTICE WHERE THE RESPONDENTS' TERMINATED THE PETITIONER'S EMPLOYMENT FOR FILING HIS LAWSUIT IN FEDERAL COURT ON AUGUST 08, 2002 WITHIN THE LEGAL FILING LIMITS OF THE E.E.O.C. 300 DAYS AND 90 DAYS STATUES

STATE OF GEORGIA
DEPARTMENT OF LABOR

SEPARATION NOTICE

1. Employee's **EMMETT WILLIAMS** 2. S.S. No. **256-88-5462**

a. State any other name (s) under which employee worked _____

3. Period of Last Employment from **Feb. 25, 1987** To **Sept. 27, 2002**

4. REASON FOR SEPARATION:

a. LACK OF WORK___

b. If for other than lack of work, state fully and clearly the circumstances of the separation_____

_____

Termination – Violation of agency rules.

_____

_____

5. Employee received: __Wages in Lieu of Notice __Separation Pay __ Vacation Pay

In the amount of $_____for period from _____ To _____

6. Did this employee earn at least $2,240.00 in your employ?

Yes__ No__ if NO, how much? $_____

Employer's name State of Georgia
Department of Defense / Ga. D.O.L. Account Number **110081-07**

C/O R.E. Harrington
Address P.O. Box 724086 / (Number shown on Employer's Quarterly Tax and Wage Report Form DOL-4)

Exhibit G

City Atlanta State GA 31139-1086/ I CERIFY that the above worker has been separated from work and the information furnished hereto is true and correct. This report has been handed to or mailed the worker.

REH's
Telephone No. 7/379-9560
7/396-9027-Fax/ MARILYN RUSS
Signature of official. Employee of the Employer or authorized agent for the Employer

NOTICE TO EMPLOYER
At the time of separation, you are required by the Employment Security Law, OCGA Section 34-8-190(c), to provide the employee with this document, properly executed, giving the reasons for separation. If you / subsequently receive a request/ for the same information on a DOL-403FF, you may attach a copy of this form (DOL-800) as part of your response.

PERSONNEL TECHNICIAN
Title of Person Signing

/ October 1, 2002
Date Completed and Released to Employee

NOTICE TO EMPLOYEE
OCGA SECTION 34-8-190 (c) OF THE EMPLOYMENT SECURITY LAW REQUIRES THAT YOU TAKE THIS NOTICE TO THE GEORGIA DEPARTMENT OF LABOR FIELD SERVICES OFFICE IF YOU FILE A CLAIM FOR UNEMPLOYMENT INSURANCE BENEFITS.

(The Petitioner Footnotes Comments and Argument: When the Respondents terminated the Petitioner's Employment from the State of Georgia on September 27, 2002, the Respondents didn't know exactly as to what the charge or purpose for termination was going to be on September 27, 2002 because the Petitioner was charged with Unauthorized Leave after this document was completed and turned in to the labor board where the Respondents created the scenario of unauthorized leave sometime after the Petitioner's termination had been completed because unauthorized leave is nowhere on the face charge of this document (28 U.S.C. &2403(a)).)

EXHIBIT – H

The Petitioner can prove beyond any shallows of any doubts that this is the FACE COPY **of the State of Georgia Department of Defense Personnel Policies and Procedures that has an effective date of May 01, 1998 that was never altered, amended, or changed prior to September 27, 2002 where absolutely no DOD Georgia State Employee can be Terminated or EVALUATED without an Established Performance Management Plan (P.M.P.)** where a newly incoming supervisor's must establish a P.M.P. with the Employee at the beginning of the supervisor's administration then immediately filed into the Employee's Personnel File that was never established before or after August 08, 2002 with the Petitioner.

The Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all submitted paperwork on the behalf of the Respondents as to justifying "the doctrine of res judicata", but the Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia CANNOT produce not one sheet paper or one thread of factual evidences that can be used as factual evidences or proof within a Court of Law that will confirm or validate the LEGITIMACY of the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie that will justify the Reasons, Grounds, or Merits for "the doctrine of res judicata" in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

EXHIBIT H – THE FRONT PAGE OF THE STATE OF GEORGIA DOD PERSONNEL POLICIES AND PROCEDURES WITH AN EFFECTIVE DATE OF MAY 01, 1998 WITH PROVISIONS OF 1A, 1B, AND 1C

GEORGIA DEPARTMENT OF DEFENSE

PERSONNEL POLICIES AND PROCEDURES

SUBJECT: PROGRESSIVE DISCIPLINE **Page 1 of 4**

APPROVED BY: /s/ William P. Bland Jr **EFFECTIVE: May 1, 1998**
WILLIAM P. BLAND, JR.
Major General, GA ANG
The Adjutant General

PURPOSE: To ensure that employees are provided a proper direction in achieving optimum performance, and to promote sound management practices in directing the work of the Georgia Department of Defense and its employees.

POLICY: The Georgia Department of Defense requires that all managers and supervisors take prompt, progressive, and appropriate steps to correct unacceptable job behavior or performance deficits. These measures are intended to inform the employee of behaviors that are unacceptable, and to assist the employee in taking responsibility for prompt corrective action and improved performance.

APPLICATION: All state employees of the Georgia Department of Defense.

PROVISIONS:

1. **ORIENTATION AND COUNSELING.**

   A. At the beginning of the employment period, the supervisor will give the employee a copy of his/her **job description and Performance Management Plan (P.M.P.).**

   B. The supervisor will discuss with the employee the expected work standards and policies that are applicable to the employee's position, and the

EXHIBIT H

interest of the division in the employee's services. The explanation given to the employee by the supervisor should be clear and precise to ensure that employee understands what is expected.

C. Although there may be duties required of the employee that are not included in his/her PMP, such necessary and job-related duties may be assigned to the employee, and the employee will be expected to perform them. If such duties are of long duration or become a significant part of the job, it is the supervisor's responsibility to amend the PMP accordingly.

EXHIBIT – I

The Petitioner can prove beyond any shallows of any doubts **where since the year 1995, the Petitioner has performed his duties under an unchanged and unaltered REGULATION that was issued to the Petitioner by the NATIONAL GUARD BUREAU MILITARY SUPPORT OFFICE as DCS-OPS-MS (190) that gave the Petitioner the AUTHORITY and DISCRETION to schedule leave for himself and his employees** that made the bogus charge of Unauthorized Leave totally ridiculous and without any Merits to Terminate the Petitioner's Employment from the State of Georgia and here is the Document that proves that.

The Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have all submitted paperwork on the behalf of the Respondents as to justifying "the doctrine of res judicata", but the Respondents' Attorneys, the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia CANNOT produce not one sheet paper or one thread of factual evidences that can be used as factual evidences or proof within a Court of Law that will confirm or validate the LEGITIMACY of the Respondents' Perjured Non-Existence September 10, 2001 Lie and the Respondents' Perjured Non-Existence 180 days Lie that will justify the Reasons, Grounds, or Merits for "the doctrine of res judicata" in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

EXHIBIT I – THE FIRST TWO AND A HALF (2 1/2) PAGES OF THE OF THE DCS-OPS-MS (190) REGULATED JOB DESCRIPTION DATED 29 JUNE 1995 THAT WAS NEVER AMENDED, CHANGED, DELETED, OR ALTERED THAT AUTHORIZED THE PETITIONER WITH THE AUTHORITY TO SCHEDULE LEAVE FOR HIMSELF AND HIS EMPLOYEES

(JOB DESCRIPTION)

DCS-OPS-MS (190) **29 June 1995**

MEMORANDUM FOR
Sgt. E. L. Williams, Facility Police

SUBJECT: Response to New Schedule Inquiry

1. This memorandum is in response to your memorandum concerning a new duty hour schedule. I have reviewed your memorandum and have discussed this situation extensively with you. The following provides you direct guidance for administering the DOD facility police schedule at the Atlanta DOD Reservation. This schedule will be accomplished using scheduled duty shifts not to exceed 12 hours. <u>The Facility Police Sergeant is responsible</u> to schedule duty shifts for his employees. <u>He has total authority to schedule employees to fill the required shifts as specified by the Military Support Office</u>.

2. **GENERAL.**

   a. **Hours required for security: 136 hrs. on a normal week.**

      1. **Total number of permanent employees: 3 (to include 1 Sergeant)**
      2. **Total number of casual employees available for Sat. – Man./ :3.**

Exhibit I

DCS-OPS-MS (190)

b. Other consideration:

1. Reserve Drill one weekend a month for one permanent employee.
2. Time for the Police Sergeant to supervise and not work all shifts.
3. Time for employees to take leave and have at least two days off a week.
4. Keep overtime to an absolute minimum.

3. FACTS.

a. There are 8 – 8hrs shifts required between Tuesday beginning at 1600 and Saturday at 0800. 64 hours total.

b. There are 72 hours required between 0800 on Saturday and 0800 on Tuesdays. This can be accomplished using 8 or 12 hour shifts. Casual employee use should be maximized.

c. A minimum of 16 hours must be worked by casual employees to prevent overtime. The desire is to allow use of the casual employees on weekends to provide the Sergeant supervisory time and to allow flexibility for permanent employee leave and time off. **Example**: If casual employees work 3-12 hour shifts over the weekend, 20 additional hours are free to divide for supervisory time or leave time. If casual employees work 4-12 hour shifts on the weekend, 32 hours are available to divide for leave time and supervisory time.

4. OBSERVATION. During the last two years I have listened to many concerns and problems areas. I have also received various complaints over the way

Exhibit I

DCS-OPS-MS (190)

past operations have been conducted. The following observations and comments are provided:

a. The Sergeant is not allowed supervisory time on the clock. (The Sergeant has to pull shifts.)
b. The Sergeant has to wear his own personal pager.
c. The Sergeant is not given authority to conduct his affairs **without** interference from the administration.
d. The Sergeant has to be concerned with keeping the budget balanced.
e. The old schedule did not work and it was similar to the one proposed by management.
f. The Sergeant receives no "perks" as a supervisor.

5. OBSERVATION RESPONSE.

a. **The Sergeant** is provided guidelines for scheduling security shifts. **He has the authority and responsibility** to ensure that the shifts are adequately covered. **This also includes scheduling leave for himself and employees**. This also provides **authority and options to schedule supervisory time** not to exceed 16 hours per week. This does not preclude that situation such as 4 day holiday weekend will need additional staffing. I cannot reiterate enough that casual employees should be maximized in situations where additional staffing is required. Additional staffing is not, as a rule, an opportunity for permanent employees to gain Compensation time. If casual employees are managed with care,